

EMERY CELLI BRINCKERHOFF ABADY WARD & MAAZEL LLP

JONATHAN S. ABADY
MATTHEW D. BRINCKERHOFF
ANDREW G. CELLI, JR.
RICHARD D. EMERY
DEBRA L. GREENBERGER
DIANE L. HOUK
DANIEL J. KORNSTEIN
JULIA P. KUAN
HAL R. LIEBERMAN
ILANN M. MAAZEL
KATHERINE ROSENFELD
ZOE SALZMAN
SAM SHAPIRO
EARL S. WARD
O. ANDREW F. WILSON

ATTORNEYS AT LAW
600 FIFTH AVENUE AT ROCKEFELLER CENTER
10TH FLOOR
NEW YORK, NEW YORK 10020

TEL: (212) 763-5000
FAX: (212) 763-5001
www.ecbawm.com

MONDAIRE JONES
VASUDHA TALLA

ERIC ABRAMS
DAVID BERMAN
NICK BOURLAND
DANIEL M. EISENBERG
ARIADNE M. ELLSWORTH
SARA LUZ ESTELA
LAURA S. KOKOTAILO
SONYA LEVITOVA
SARAH MAC DOUGALL
SANA MAYAT
HARVEY PRAGER
VIVAKE PRASAD
MAX SELVER
EMILY K. WANGER

November 10, 2023

BY ECF

Hon. Jesse M. Furman
United States District Judge
U.S. Courthouse, 40 Foley Square
New York, New York 10007

Re: Accent Delight Int'l Ltd. v. Sotheby's et al., No. 18 Civ. 9011

Dear Judge Furman:

This firm represents the Plaintiff, Accent Delight Int'l Ltd. We write on behalf of both parties to jointly request the Court's guidance on the length and time limits for the trial scheduled to begin on January 8, 2023, preferably at a conference scheduled at the Court's convenience; and to request the Court to prioritize the resolution of specific *in limine* motions.

The Court's Individual Rules and Practices for Hearings and Trials state that the Court will impose time limits on both sides for opening statements, witness testimony, and colloquies during trial. The parties would appreciate guidance on the time limits the Courts intends to set in this case to decide how they will present their cases and when to schedule their live witnesses' presence at trial. (Accent will file separately a response by November 13, 2023 to Defendants Sotheby's and Sotheby's, Inc.'s letter regarding the testimony of Samuel Valette. *See* [Dkt. 569](#).)

In addition, the parties request the Court's ruling at its earliest opportunity on certain motions *in limine* that will most significantly impact the parties' pretrial preparation. The parties respectfully submit that prioritizing the resolution of these specific matters will significantly aid the parties' ongoing efforts to prepare for trial. Each side specifies below its position on items for prioritization.

Accent seeks rulings on the scope of Jane Levine's testimony, the scope of Sanford Heller's testimony, whether Simon Shaw and Daisy Edelson will be permitted to testify, and whether the following documents and evidence may be introduced: evidence related to transactions no longer at issue in the case, the four insurance valuations, Sotheby's policies,

EMERY CELLI BRINCKERHOFF ABADY WARD & MAAZEL LLP

Page 2

documents produced by the Acquavella and Wildenstein galleries, and the resale of the works.

Defendants' view is that the most pressing *in limine* motions are those that require the Court to decide whether a witness will be permitted to testify at trial at all. These are the motions pertaining to Simon Shaw and Daisy Edelson; Nick Acquavella; the Wildenstein document custodian; and Michael Macaulay. Plaintiff's motion to exclude the testimony of Mr. Shaw and Ms. Edelson is particularly time sensitive in light of the potential need to schedule their depositions in advance of trial. Although Defendants would of course welcome the Court's determination of the remaining *in limine* motions at the Court's earliest convenience so that the parties are best positioned to prepare for trial, Defendants do not consider every motion listed by Plaintiff to be more time sensitive than many of the other motions not included on Plaintiff's list.

The parties are available at the Court's convenience.

Respectfully,

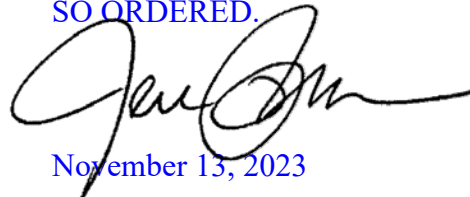
/s/

Daniel J. Kornstein

cc: All Counsel of Record

The parties shall appear for an **in person** conference on November 30, 2023, at 10 a.m. in Courtroom 1105 of the Thurgood Marshall United States Courthouse, 40 Centre Street, New York, NY.

SO ORDERED.

A handwritten signature in black ink, appearing to be 'Janet M.', is written over the typed name 'Janet M.' and the date 'November 13, 2023'.

November 13, 2023